

### **REMARKS**

Applicant appreciated the opportunity to discuss a set of proposed claim amendments with the Examiner in the July 07, 2005 interview. Responsive to this interview, claims 1, 8, 15, 21, and 29 have been amended to adopt the proposed amendments, and a Request for Continued Examination is submitted herewith. Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32, and 33 are pending. Claims 1, 8, 15, 21, and 29 have been amended. No claims have been added, canceled, or withdrawn. In view of the following arguments, withdrawal of all outstanding rejections to the pending claims is respectfully requested.

#### **Claim Amendments**

Claims 1, 8, 15, 21, and 29 have been amended to particularly point out that the phrase "a portion" is less than a whole. The specification at page 14, lines 11 and 12, supports generating an ID from less than a complete image. More particularly: "Next in step 506, each compressed image is associated with a unique identifier. The unique identifier can be derived from a portion of the compressed image, for example." It is well known that the term "portion" explicitly and inherently includes less than a whole of something. Since the test for sufficiency of support in a specification is, whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at the time of the later claimed subject matter, it is respectfully submitted that this disclosure supports the suggested claim amendments, and that no new matter is being introduced with these claim amendments.

**Claim Rejections Under 35 USC §103(a)**

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32, and 33 stand rejected under 35 USC §103(a) as being unpatentable over Stuart, in view of Spanbauer, in view of published EP Patent Application No. 01109486.9 published as EP 1,150,207 for inventors Suzuki et al (“Suzuki”), and further in view of Hollingsworth et al (“Hollingsworth”). This rejection is traversed.

Reasons why the reference group of Stuart, in view of Spanbauer, in view of Suzuki do not teach or suggest the features of claims 1, 2, 4, 5, 8, 8, 11, 12, 15, 21, 23, 25-30, 32, and 33 were already presented in the response filed on 11/11/03. Additionally, reasons why the reference group of Stuart, in view of Spanbauer, in view of Suzuki, and further in view of Hollingsworth do not teach or suggest the features of claims 1, 2, 4, 5, 8, 8, 11, 12, 15, 21, 23, 25-30, 32, and 33 were already presented in the response filed on 03/01/05. Those arguments are not repeated verbatim herein but are incorporated by reference.

**Claim 1** recites “assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”, “generating processed images and a listing of unique identifiers as follows: for each downloadable file group: compressing together data files assigned to the downloadable file group to form one processed image; and deriving a unique identifier for the one processed image, the unique identifier being derived from a portion of the one processed image, the portion being less than a whole of the one processed image”, “storing the processed images and the listing of unique identifiers to a source device”, “comparing the listing of unique identifiers with a current listing of unique identifiers in a client device”, and “selectively sending processed images from the source device whose unique identifiers appear in the

listing of unique identifiers but not in the current listing of unique identifiers in the client device”. Nether *Stuart*, *Spanbauer*, *Suzuki*, and/or *Hollingsworth* disclose these recited features of claim 1.

Miller only describes generating file names by hashing the entire contents of a package. The Action admits at page 7 of the Action that this is not taught by *Stuart*, *Spanbauer*, and/or *Suzuki*. To provide this missing teaching, the Office Action relies on *Hollingsworth*. However, *Hollingsworth* is completely silent on deriving CDNs (Content Derived Names) from a “portion” of anything. Instead, *Hollingsworth* explicitly describes at page 1, section 1, paragraph 4, that “Content Derived Names are computed by hashing the contents of a file using a secure hash”. Nowhere does *Hollingsworth* teach or suggest that “contents of a file” is anything less than all contents of a file. Thus, a system *Stuart*, *Spanbauer*, *Suzuki*, and/or *Hollingsworth* may never “deriving a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived as a function a portion of the one processed image, the portion being less than a whole of the one processed image”, as claim 1 recites.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claim 1 is respectfully requested.

**Claims 2, 4, 5, and 25** depend from claim 1 and recite additional features. At least for reasons of this dependency, claims 2, 4, 5, and 25 are allowable over the cited combination.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claims 2, 4, 5, and 25 is respectfully requested.

**Claim 8** recites in part “assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”, “generating

processed images and a listing of unique identifiers as follows: for each downloadable file group, compressing together data files assigned to the file group to form a respective processed image of the processed images for the downloadable file group”, “deriving a unique identifier of the unique identifiers for the respective processed image, the unique identifier being derived as a function of one or more portions of the processed image, the one or more portions representing less than a whole of the respective processed image”, and “storing the processed images and the listing of unique identifiers to a source device”.

For the reasons already discussed above with respect to claim 1, *Stuart*, *Spanbauer*, *Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 8.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claim 8 is respectfully requested.

**Claims 9, 11, 12 and 26** depend from claim 8 and recite additional features. At least for reasons of this dependency on claim 8, claims 9, 11, 12 and 26 are allowable over the cited combination.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claims 9, 11, 12 and 26 is respectfully requested.

**Claim 15** recites “generating processed images and a listing of unique identifiers by: assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”. And “for each downloadable file group: compressing together data files assigned to the downloadable file group to form one processed image of the processed images ; and deriving, using a portion of the one processed image, a unique identifier of the unique identifiers for the one processed image, the portion being less than a whole of the processed

image”. “[S]toring the processed images and the listing of unique identifiers to the memory”, and “comparing the listing of unique identifiers with a current listing of unique identifiers associated with a client device to identify processed images for providing to the client device.”

For the reasons already discussed above with respect to claim 1, *Stuart*, *Spanbauer*, *Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 15.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claim 15 is respectfully requested.

**Claim 27** depends from claim 15 and recite additional features. At least for reasons of this dependency on claim 15, claim 27 is allowable over the cited combination.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claim 27 is respectfully requested wn.

**Claim 21** recites in part “assign each of a plurality of server-based data files to one of a plurality of specific corresponding server-based downloadable file groups”, and “generate processed images and a listing of unique identifiers as follows: for each server-based downloadable file group, the server device is configured to: compress together data files assigned to the server-based downloadable file group to form one processed image of the processed images; and derive a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived based on a portion of the processed image, the portion being less than a whole of the processed image”, as well as “selectively output the processed images and a latest listing of the unique identifiers over the network”.

For the reasons already discussed above with respect to claim 1, *Stuart*, *Spanbauer*, *Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 21.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claim 21 is respectfully requested.

**Claims 23 and 28** depend from claim 21, and recite additional features. At least for reasons of this dependency, claims 23 and 28 are allowable over the cited combination.

Accordingly, the 35 USC §103(a) rejection of claims 23 and 28 should be withdrawn.

**Claim 29** recites “assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”, and “generating processed images and a listing of unique identifiers as follows: for each downloadable file group, compressing together data files assigned to the downloadable file group to form one processed image of the processed images” and “deriving a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived using a portion of the processed image, the portion being less than a whole of the processed image”.

For the reasons already discussed above with respect to claim 1, *Stuart*, *Spanbauer*, *Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 29.

Accordingly, withdrawal of the 35 USC §103(a) rejection of claim 29 is respectfully requested.

Appl. No. 09/756,052  
Response to April 06, 2005 Final Office Action

Claims 30, 32, and 33 depend from claim 29, and recite additional features. At least for reasons of this dependency, claims 30, 32, and 33 are allowable over the cited combination.

Accordingly, the 35 USC §103(a) rejection of claims 30, 32, and 33 should be withdrawn.

### Conclusion

The pending claims are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of a subsequent Office action.

Respectfully Submitted,

Dated: 7/12/2005

By: 

Brian G. Hart  
Reg. No. 44,421  
(509) 324-9256